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**Attorney for Petitioner**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**

**DRUCILLA RAMONA GRAVES,**

**No. 6:23-cv-00335-IM**

**Petitioner,**

**v.**

**STATUS REPORT**

**DELORES MATTEUCCI,**

**Respondent.**

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Drucilla Graves, through undersigned counsel, submits the following status report pursuant to this Court's Order staying this case and holding it in abeyance until the completion of related state court matters. (ECF 16).

1. Ms. Graves has two pending state court matters. The first, a review of the decision of the Psychiatric Review Board decision in case number A179526. That case was decided on by the Oregon Court of Appeals on October 11, 2023. Ms. Graves' state counsel filed a petition for review in the Oregon Supreme Court on October 26, 2023, case number S070543. That petition remains pending.

2. The second action *Graves v. Matteucci*, S069468, was being held awaiting a disposition in *Ingle v. Matteucci*, S069222. *Ingle* posed the legal question of whether mental illness could excuse an untimely state postconviction petition under the escape clause of Or. Rev. Stat. 138.510(3). *Ingle* was decided on October 12, 2023. The Oregon Supreme Court found that a post-conviction court can consider a petitioner's mental impairments when determining whether the escape clause applies to an untimely petition for post-conviction relief. The escape clause applies in circumstances where it would be unreasonable, given the circumstances that existed during the limitations period, to expect the petitioner to have raised the ground for relief at issue. After *Ingle* a circuit court may consider whether the petitioner had mental impairments that were so severe that the petitioner was incapable of raising their ground for relief in a timely petition. Now that *Ingle* has been decided, Ms. Graves' petition is ripe for decision by the Oregon Supreme Court. It is still listed as in abeyance on the docket. The order holding in abeyance notes that "[t]he court will reactivate the petition on its own in due course; a motion to reactivate need not be filed."

3. Counsel will file a further status report in 60 days as required by the Court's order.

Respectfully submitted this 27th day of December, 2023.

/s/ Julie Vandiver  
Julie Vandiver  
Attorney for Petitioner